



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Michael G. CRISTOFALO *et al.*

Serial No.: 10/695,663

Filing Date: October 29, 2003

For: SYSTEM AND METHOD FOR
PROVIDING TRIGGERED EVENT
COMMANDS VIA DIGITAL
PROGRAM INSERTION SPLICING

Examiner: Not Yet Assigned

Group Art Unit: 2611

PETITION UNDER 37 CFR 1.47(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 CFR 1.47(a) and MPEP 409.03, applicant Steven RIEDL respectfully requests that this application be accepted for examination on-behalf of himself and co-applicant Michael G. CRISTOFALO, who refuses to join this application for patent, as shown in the attached affidavit of Scott W. Doyle. The fee prescribed under 37 CFR 1.17(h) is enclosed. An appropriate declaration executed by Steven RIEDL, is being filed concurrently with the Response to Missing Parts of Application.

Scott W. Doyle's declaration sets forth in paragraph 4, Exhibits A, Exhibits 1, 2, and 3, the proprietary interest of ACTV, Inc., and nCube in this application and the assignment by Michael G. Cristofalo and Steven Riedl to ACTV, Inc. and nCube of their respective right, title and interest in the invention of this application in the United States.

As explained by Mr. Doyle in paragraph 5, Mr. Cristofalo's last known forwarding address is:

08/25/2004 HVUONG1 00000111 031952 10695663

04 FC:1460 130.00 DA

Mr. Michael G. Cristofalo
407 Appian Way
Doylestown, PA 18901-2046

Mr. Doyle's declaration explains in detail the steps he took as the representative of ACTV, Inc. within the deadline for response to the Missing Parts of Application to secure Michael Cristofalo's execution of the declaration for this application. As can be seen from the declaration and the attached exhibits, Mr. Cristofalo has so far refused to sign the declaration papers despite several requests by Mr. Doyle.

The showings in Mr. Doyle's declaration demonstrate that a *bona fide* effort was made to present the application papers, including the specification, drawings, claims and declaration to Mr. Cristofalo for review and execution and that he has so far refused to join this application. Mr. Doyle is the person who mailed such documents and who witnessed Mr. Cristofalo's refusal to join by not responding to repeated requests and by being told over the telephone that he would not sign the papers. Accordingly, Mr. Doyle is competent based on his first-hand knowledge to make the showing required under the rules and the MPEP.

For the foregoing reasons, substantiated by the facts stated in Mr. Doyle's declaration, this application should be accepted for examination under 37 CFR 1.47(a).

In the event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **559442004000**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: August 24, 2004

Respectfully submitted,

By: 

Jonathan Bockman
Registration No. 45,640

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 300
McLean, Virginia 22102
Telephone: (703) 760-7769
Facsimile: (703) 760-7777
Attorneys for Applicant

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Matter of United States Patent Application No. 10/695,663

and

In the Matter of a Petition Under 37 CFR 1.47(a) for the
Unavailability of a Joint Inventor to Join in an Application

DECLARATION OF SCOTT W. DOYLE

I, Scott W. Doyle, of c/o Morrison & Foerster LLP, 1650 Tysons Boulevard, Suite 300, McLean, Virginia 22102 do hereby solemnly declare as follows:

1. Unless otherwise indicated, I have personal knowledge of all of the facts presented in this Declaration.
2. I am a partner in the law firm of Morrison & Foerster and represent the interests of ACTV, Inc.
3. United States Patent Application Serial No. 10/695,663 was filed October 29, 2003 [hereinafter referred to as "this application"] in the United States Patent and Trademark Office.
4. Michael G. Cristofalo and Steven Riedl, the joint inventors of the subject matter of this application, were, at the time that the subject matter was invented, employees of ACTV, Inc. and nCube [hereinafter referred to as ACTV and nCube respectively], U.S. corporations to which all of the rights in the present application have been assigned. Exhibit A are copies of Statements Under 37 CFR 3.73(b) for Michael G. Cristofalo and Steven Riedl and copies of Assignments by Michael CRISTOFALO and Steven RIEDL to ACTV, Inc. and nCube respectively in U.S. Provisional Application 60/422,245, filed October 29, 2002 of which subject application is an utility application claiming the benefit of the provisional application.
5. After the filing of this application, I sent Mr. Cristofalo an April 15, 2004 letter via UPS courier at his last known address of 407 Appian Way, Doylestown, Pennsylvania 18901-2046, enclosing a copy of the U.S. patent application, and requesting him to sign the Declaration & Power of Attorney for this application. A

copy of the April 15, 2004 letter is found in Exhibit 1. A copy of the UPS Label is enclosed. Delivery of these documents is evidenced by the UPS Delivery Notification.

6. On July 19, 2004, I sent a reminder letter to Mr. Cristofalo. The reminder letter was sent via registered mail with a return receipt request, as evidenced by a copy of the letter in Exhibit 2. Receipt of the document is evidenced by the signed receipt. Mr. Cristofalo has failed to respond to our request and has failed to return the signed document.

7. On August 18, 2004, an additional reminder letter was sent to Mr. Cristofalo via registered mail asking for the return of the signed document by the August 24, 2004 due date. A copy of the August 18, 2004 letter is found in Exhibit 3. Again, Mr. Cristofalo has failed to return the signed document.

8. On August 24, 2004, I contacted Mr. Cristofalo by telephone. Mr. Cristofalo confirmed that he was unwilling to sign the declaration papers because he felt that he was owed additional compensation by ACTV, Inc., an assignee of the instant application.

9. As of the date of this Declaration, the Declaration and Power of Attorney signed by Mr. Michael Cristofalo has not yet been returned.

Signed this 24 day of August, 2004
in the city of McLean, Virginia, United States of America



Scott W. Doyle



PTO/SB/08 (08-03)

Approved for use through 04/30/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Michael G. Cristofalo

Application No./Patent No.: _____

Filed/Issue Date: October 29, 2003

* claiming priority to _____

60/422,245October 29, 2002Entitled: METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA DIGITAL PROGRAM
INSERTION SPLICINGACTV Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is 50 %

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.
(NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Oct. 29, 2003
Date(415) 962-5110
Telephone NumberTom Ewing
Typed or printed name[Signature]
SignatureChief Intellectual Property Officer
Title

JOINT INVENTION ASSIGNMENT

WHEREAS, I, Michael G. Cristofalo, of 407 Appian Way, Doylestown, Pennsylvania 18901, together with Steven Riedl, of 1580 Masters Court, Superior, CO 80027 have jointly invented certain new and useful improvements in a **SYSTEM AND METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA DIGITAL PROGRAM INSERTION SPLICING**, for which a provisional application for Letters Patent of the United States has been made, said provisional application may be identified in the United States Patent and Trademark Office (USPTO) by Serial No. _____ (serial number to be filled-in upon receipt of the same from the USPTO) by attorneys with DORSEY & WHITNEY LLP, filed October 29, 2002, and further identified by attorney docket number 11005.00.

WHEREAS, Michael G. Cristofalo is an employee of ACTV, INC. and is under an contractual obligation to assign his entire right, title and interest in and to said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor, to ACTV, INC.

WHEREAS, ACTV, INC. is a corporation organized and existing under the laws of the state of Delaware, country of the United States of America, and having a place of business at 233 Park Avenue South, 10th Floor, New York, New York 10003, United States of America, desires to acquire Michael Cristofalo's entire right, title and interest in and to said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor;

WHEREAS, Steven Riedl is an employee of nCUBE and is under an obligation to assign his entire right, title and interest in and to said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor, to nCUBE.

WHEREAS, nCUBE is a corporation organized and existing under the laws of the state of _____, country of the United States of America, and having a place of business at 1825 NW 167th Place, Beaverton, Oregon 97006, desires to acquire all of Steven Riedl's entire right, title and interest in and to said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor;

WHEREAS, ACTV, INC. and nCUBE (hereinafter, the "ASSIGNEES") desire to jointly own said invention, said application, and all intellectual property related thereto, including, but not limited to, any and all Letters Patents of any kind to be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the sufficiency, adequacy and receipt of which are hereby acknowledged, I, Michael G. Cristofalo have sold, assigned and transferred, and by these presents do hereby sell, assign and transfer unto ACTV, Inc., its successors and assigns, my entire right, title and interest in and to the invention, the application and all intellectual property related thereto, including, but not limited to, all patent applications of any kind to be filed thereon, including all provisional, original, divisions, continuations,

reissues, renewals, and extensions thereof, all rights of priority resulting from the filing of any such applications, and all Letters Patent, both foreign and domestic, that may or shall issue therefrom, including all reissues or extensions of such patents, and including all of my individual rights under any international conventions (collectively "the Patent Rights").

I do hereby expressly acknowledge that Steven Riedl, co-inventor and joint owner of the aforesaid invention shall also sell, assign and transfer to nCUBE, his entire right, title and interest in and to the Patent Rights. Further, I expressly acknowledge that Steven Riedl's failure, for any reason, to so sell, assign and transfer his entire right, title and interest in and to the Patent Rights, shall in no manner affect the present transfer of my entire right, title and interest therein to ACTV, INC.

I do hereby authorize and request any official of any State whose duty includes issuing patents or other evidence or forms of industrial property protection, to issue the same on the invention, application and all intellectual property right related thereto jointly to the ASSIGNEES, their successors and assigns, in accordance herewith.

I further authorize said ASSIGNEES, their successors and assigns, or anyone they may singularly or jointly properly designate, to apply for Letters Patent, in the ASSIGNEES' names, if desired, in any and all foreign countries, and additionally to claim the filing date of any United States application and/or otherwise take advantage of the provisions of any international conventions.

I represent and warrant that I have the right and authority to execute this Assignment and to convey all my individual right, title, and interest in the Patent Rights; that I have not conveyed nor will convey hereafter all or part of the Patent Rights to any third party; and that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by me.

I do hereby covenant and agree with ASSIGNEES, their successors and assigns, that I have not executed, and will not execute, any writing, or do any act whatsoever, conflicting with these representations, and that I or my individual executors or administrators will at any time upon request, without further or additional consideration, but at the expense of the said ASSIGNEES, their successors and assigns, singularly or jointly, execute such additional writings and do such additional acts as said ASSIGNEES, their successors and assigns, singularly or jointly, may deem necessary or desirable to perfect for each of the ASSIGNEES, their enjoyment of this grant, render all necessary assistance in making applications for any intellectual property protection, including for obtaining provisional, original, divisional, continuation, reissued, renewal, or extended Letters Patent of the United States or of any and all foreign countries on the invention, application and all intellectual property rights related thereto, and assist in the enforcement of any rights resulting or arising as a result of such invention, applications or patents, including by giving testimony in any proceedings or transactions involving such applications or patents.

Executed this 29th day of October, 2002 by Michael G. Cusato

Inventor's Signature

Michael G. CRISTOFALO
407 Applan Way
Doylestown, Pennsylvania 18901

State of Colorado)
County of Boulder) ss.)

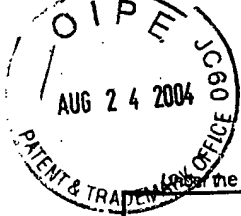
On October 29th, 2002, before me, Sean McKeon, personally appeared **Michael G. Christofalo**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same of his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal:

Sean Winters
NOTARY PUBLIC

Name: Seari McKeon
By and for the State of My Commission Expires 8/27/2005
My Commission expires: 500 S. McCain Blvd.
Louisville, CO 80027





PTO/SB/98 (08-03)

Approved for use through 04/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: Steven Riedl

Application No./Patent No.: _____

Filed/Issue Date: October 29, 2003

* claiming priority to _____

60/422,245October 29, 2002Entitled: METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA DIGITAL PROGRAM
INSERTION SPLICINGnCUBE, a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☐ the assignee of the entire right, title, and interest; or
2. ☒ an assignee of less than the entire right, title and interest.

The extent (by percentage) of its ownership interest is 50 %

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

October 28, 2003

Date

503-629-5088

Telephone Number

Michael Pohl

Typed or printed name

Signature

President and CEO

Title

ASSIGNMENT

WHEREAS, I, Steven Riedl, of 1580 Masters Court, Superior, CO 80027, together with Michael G. Cristofalo, of 407 Appain Way, Doylestown, PA 18901, jointly made certain inventions or discoveries (or both) set forth in a Provisional Application for Letters Patent of the United States of America entitled **SYSTEM AND METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA DIGITAL PROGRAM INSERTION SPLICING**, the specification of which was filed on October 29, 2002, and which is identified by attorney docket number 11005.00 and Serial No. _____ (serial number to be filled in by the assignee when available).

WHEREAS, nCUBE Corporation, a corporation of the state of Delaware, and whose address is 1825 NW 167TH PL, Beaverton, Oregon 97006, and who, together with its successors and assigns is hereinafter called "Assignee", is desirous of acquiring Steven Riedl's entire right, title and interest together with the benefits and privileges hereinafter recited;

NOW, THEREFORE, for valuable consideration furnished by Assignee, receipt and sufficiency of which I hereby acknowledge, I hereby, without reservation;

1. Assign, transfer and convey to Assignee my entire right, title and interest together with the benefits and privileges in and to said inventions and discoveries, said Provisional Application for Letters Patent and its subsequent conversion to Application for Letters Patent or similar forms of protection of the United States of America, and all other applications for Letters Patent on said inventions and discoveries in whatsoever countries, including all divisional, renewal, substitute, continuation and convention applications based in whole or in part upon said inventions or discoveries, or upon said application, and any and all Letters Patent, reissues and extensions of Letters Patent or similar forms of protection granted for said inventions and discoveries or upon said applications, and every priority right that is or may be predicated upon or arise from said inventions, said discoveries, said applications and said Letters Patent;

2. Authorize Assignee to file patent applications in any or all countries or groups of countries on any or all of said inventions and discoveries in my name or in the name of Assignee or otherwise as Assignee may deem advisable;

3. Authorize and request the Commissioner of Patents and Trademarks of the United States of America and the empowered officials of all other governments to issue or transfer all said Letters Patent to Assignee, as assignee of my entire right, title and interest therein, or otherwise as Assignee may direct;

4. Warrant that I have not knowingly conveyed to others any rights in said inventions, discoveries, applications or patents or any license to use the same or to make, use or sell anything embodying or utilizing any of said inventions or discoveries; and that I have good right to assign the same to Assignee without encumbrance;

5. Bind my heirs, legal representatives and assigns, as well as myself, to do, upon Assignee's request and at Assignee's expense, but without additional consideration to me or them, all acts reasonable serving to assure that said inventions and discoveries, said patent applications and said Letters Patent shall be held and enjoyed by Assignee as fully and entirely as the same could have been held and enjoyed by me, my heirs, legal representatives and assigns if this assignment had not been made; and particularly to execute and deliver to Assignee all lawful application documents including petitions, specifications, and oaths, and all assignments, disclaimers, and lawful affidavits in form and substance as may be requested by Assignee; to communicate to Assignee all facts known to me relating to said inventions and discoveries or the history thereof; and to furnish Assignee with any and all documents, photographs, models, samples and other physical exhibits in my control or in the control of my heirs, legal representatives or assigns which may be useful for establishing any facts of our conceptions, disclosures, and reduction to practice of said inventions or discoveries.

IN TESTIMONY WHEREOF, Assignor has hereunto signed his name to this assignment on the date indicated below:


Steven Riedl

9/16/03
date

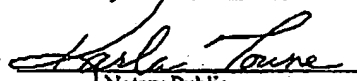
STATE OF Colorado)
COUNTY OF Jefferson) ss.

On Sept. 16, 2003 before me, Karla Towne, Notary Public, personally appeared Steve Riedl, personally known or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Witness my hand and official seal.

SEAL




Notary Public

My Commission Expires 05/31/2008



MORRISON & FOERSTER LLP

ATTORNEYS AT LAW

1650 TYSONS BOULEVARD, SUITE 300
MCLEAN, VIRGINIA 22102
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TELEFACSIMILE (703) 760-7777

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BRUSSELS
HONG KONG
BEIJING
SHANGHAI
SINGAPORE
TOKYO

SAN FRANCISCO
LOS ANGELES
DENVER
PALO ALTO
WALNUT CREEK
SACRAMENTO
CENTURY CITY
ORANGE COUNTY
SAN DIEGO

April 15, 2004

Writer's Direct Contact

703/760-7721
SDoyle@mofo.com

Via UPS Courier

Mr. Michael Cristofalo
407 Appian Way
Doylestown, Pennsylvania 18901-2046

Re: U.S. Serial No. 10/695,663
System and Method for Providing Triggered Event Commands Via Digital
Program Insertion Splicing
Our Reference: 55944-20054.00
40

Dear Mr. Cristofalo:

Please find enclosed the above-referenced application and drawings as filed, and the Declaration requiring the date and your signature.

We received a Notice To File Missing Parts of Nonprovisional Application dated February 24, 2004, from the U.S. Patent and Trademark Office (USPTO) for the above-referenced application. The executed Declaration is due on **April 24, 2004**.

Before signing the Declaration and Power of Attorney, please review the enclosures carefully and, if all is in order, please date and sign it, and return it to us in the enclosed UPS overnight envelope before **April 20, 2004**.

The American Inventors Protection Act of 1999 makes available to patent applicants extensions of the patent term where the USPTO causes delays during examination. The USPTO defines the types of delays giving rise to such extensions of time. However, any potential term extensions caused by USPTO delay are offset or reduced by any delays caused by an applicants' "failure to engage in reasonable efforts to conclude prosecution." It is preferable to promptly respond to the Notice of Missing Parts.



MORRISON & FOERSTER LLP

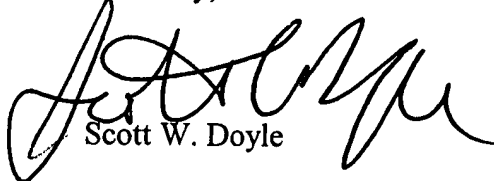
Mr. Michael Cristofalo

April 15, 2004

Page Two

We look forward to receipt of the executed Declaration as soon as possible. In the meantime, if you have any comments or questions, please let us know.

Sincerely,



Scott W. Doyle

SWD:dll

Enclosure: Application filed on October 29, 2003
Unexecuted Declaration and Power of Attorney
UPS envelope with address label



PATENT
Docket No. 559442004000

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

SYSTEM AND METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA DIGITAL PROGRAM INSERTION SPLICING

the specification of which is attached hereto unless the following box is checked:

☒ was filed on October 29, 2003 as United States Application Serial No. 10/695,663

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/422,245	October 29, 2002

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Lisa A. Amii (Reg No. 48,199)	Randolph Ted Apple (Reg No. 36,429)
Mehran Arjomand (Reg No. 48,231)	Laurie A. Axford (Reg No. 35,053)
Sanjay S. Bagade (Reg No. 42,280)	Erwin J. Basinski (Reg No. 34,773)
Shantanu Basu (Reg No. 43,318)	Richard R. Batt (Reg No. 43,485)
Vincent J. Belusko (Reg No. 30,820)	Jonathan Bockman (Reg No. 45,640)
Kimberly A. Bolin (Reg No. 44,546)	Barry E. Bretschneider (Reg No. 28,055)
Tyler S. Brown (Reg No. 36,465)	Nicholas Buffinger (Reg No. 39,124)
A. Randall Camacho (Reg No. 46,595)	Mark R. Carter (Reg No. 39,131)
Robert K. Cerpa (Reg No. 39,933)	Peng Chen (Reg No. 43,543)
Alex Chartove (Reg No. 31,942)	Thomas Chuang (Reg No. 44,616)
Thomas E. Ciotti (Reg No. 21,013)	Cara M. Coburn (Reg No. 46,631)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Peter Davis (Reg No. 36,119)	Scott W. Doyle (Reg No. 36,915)
Karen B. Dow (Reg No. 29,684)	Stephen C. Durant (Reg No. 31,506)
Carolyn A. Favorito (Reg No. 39,183)	David L. Fehrman (Reg No. 28,600)
Hector Gallegos (Reg No. 40,614)	Thomas George (Reg No. 45,740)
Deborah S. Gladstein (Reg No. 43,636)	Debra J. Glaister (Reg No. 33,888)
Kenneth R. Glick (Reg No. 28,612)	Bruce D. Grant (Reg No. 47,608)
Johney U. Han (Reg No. 45,565)	Douglas G. Hodder (Reg No. 41,840)
Alan S. Hodes (Reg No. 38,185)	Charles D. Holland (Reg No. 35,196)
Kelvan P. Howard (Reg No. P48,999)	Peter Hsieh (Reg No. 44,780)
Jill A. Jacobson (Reg No. 40,030)	Wayne Jaeschke, Jr. (Reg No. 38,503)
Madeline I. Johnston (Reg No. 36,174)	Parisa Jorjani (Reg No. 46,813)
Ararat Kapouytian (Reg No. 40,044)	Richard C. Kim (Reg No. 40,046)
Cameron A. King (Reg No. 41,897)	Lawrence B. Kong (Reg No. P49,043)
Kawai Lau (Reg No. 44,461)	Glenn Kubota (Reg No. 44,197)
Rimas T. Lukas (Reg No. 46,451)	Michael J. Mauriel (Reg No. 44,226)
Gladys H. Monroy (Reg No. 32,430)	Philip A. Morin (Reg No. P-45,926)
Kate H. Murashige (Reg No. 29,959)	Mabel Ng (Reg No. P48,922)
Martin M. Noonon (Reg No. 44,264)	Catherine M. Polizzi (Reg No. 40,130)
Phillip Reilly (Reg No. 41,415)	Robert E. Scheid (Reg No. 42,126)
Debra A. Shetka (Reg No. 33,309)	Terri Shieh-Newton (Reg No. 47,081)
Kevin R. Spivak (Reg No. 43,148)	Stanley H. Thompson (Reg No. 45,160)
Thomas L. Treffert (Reg No. P48,279)	Brenda J. Wallach (Reg No. 45,193)
Michael R. Ward (Reg No. 38,651)	E. Thomas Wheelock (Reg No. 28,825)
Todd W. Wight (Reg No. 45,218)	Eric Witt (Reg No. 44,408)
Frank Wu (Reg No. 41,386)	David T. Yang (Reg No. 44,415)
Peter J. Yim (Reg No. 44,417)	George C. Yu (Reg No. 44,418)
Karen R. Zachow (Reg No. 46,332)	James M. Denaro (Reg No. 54,063)

and:

Please direct all communications to:

Scott W. Doyle, Esquire
Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, Virginia 22102

Please direct all telephone calls to Scott W. Doyle (703) 760-7721.

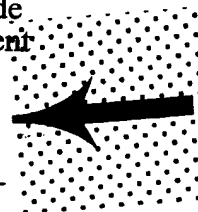
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date


Name: Michael G. CRISTOFALO
Residence: 407 Appian Way, Doylestown, Pennsylvania 18901
Citizenship: United States

Date

Name: Steven RIEDL
Residence: 1580 Masters Court, Superior, Colorado 80027
Citizenship: United States



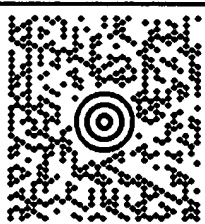

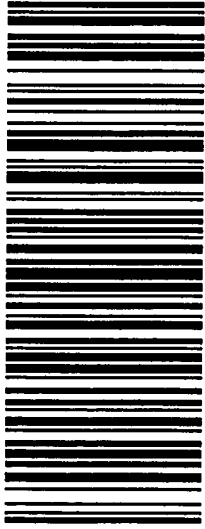

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	PA 190 9-03 	
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BILLING: P/P		
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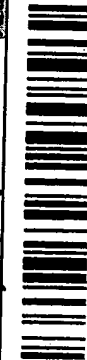
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5 SATURDAY PICKUP

6 INSURED VALUE

7 C.O.D.

8 ADDITIONAL HANDLING CHARGE

9 TOTAL CHARGES

10 METHOD OF PAYMENT

11 BILL TO / BILL FROM

12 RECEIVERS / THIRD PARTY

13 THIRD PARTY'S COMPANY NAME

14 STREET ADDRESS

15 CITY AND STATE

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17 DATE OF SHIPMENT

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Doylestown, PA 18901-2046

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This is in response to your request for delivery information concerning the shipment listed below.

Tracking Number: 1Z 9RV 818 30 9393 107 6
Service Type: NEXT DAY AIR SAVER
Shipped or Billed on: Apr 15, 2004
Delivered on: Apr 16, 2004 11:59 A.M.
Delivered to: DOYLESTOWN, PA, US
Location: FRONT DOOR

Thank you for giving us this opportunity to serve you.

Sincerely,
United Parcel Service

Tracking results provided by UPS: Aug 24, 2004 11:02 A.M.
Eastern Time (USA)

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Status: Delivered [Proof of Delivery](#)
Delivered on: Apr 16, 2004 11:59 A.M.
Location: FRONT DOOR
Delivered to: DOYLESTOWN, PA, US
Shipped or Billed on: Apr 15, 2004

Tracking Number: 1Z 9RV 818 30 9393 107 6
Service Type: NEXT DAY AIR SAVER

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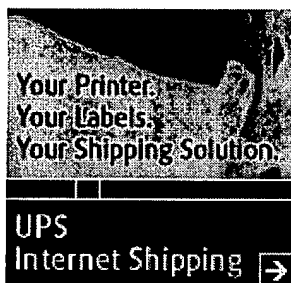
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Date/ Time	Location	Activity
Apr 16, 2004 11:59 A.M.	HORSHAM, PA, US	DELIVERY
Apr 15, 2004 2:54 P.M.	US	BILLING INFORMATION RECEIVED

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July 19, 2004

Writer's Direct Contact
703/760-7721
SDoyle@mfo.com

Via Registered Mail

Mr. Michael Cristofalo
407 Appian Way
Doylestown, Pennsylvania 18901-2046

Re: U.S. Serial No. 10/695,663
System and Method for Providing Triggered Event Commands Via Digital
Program Insertion Splicing
Our Reference: 55944-20040.00

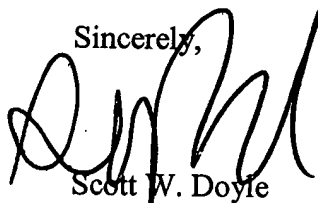
Dear Mr. Cristofalo:

Further to our letter of April 15, 2004, we are still awaiting an executed copy of the Declaration and Power of Attorney for the above-referenced application. Mike, you have previously executed the assignment. The signed document is due in the Patent and Trademark Office (USPTO) on **July 24, 2004**.

So that we may file the Declaration and Power of Attorney by the due date to avoid incurring further extension fees, kindly return the signed document to us in the enclosed UPS overnight envelope before **July 22, 2004**.

We look forward to receipt of the executed Declaration as soon as possible. In the meantime, if you have any comments or questions, please let us know.

Sincerely,



Scott W. Doyle

SWD/brm

Enclosures: Unexecuted Declaration and Power of Attorney
Return UPS envelope9

DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SYSTEM AND METHOD FOR PROVIDING TRIGGERED EVENT COMMANDS VIA
DIGITAL PROGRAM INSERTION SPLICING**

the specification of which is attached hereto unless the following box is checked:

☒ was filed on October 29, 2003 as United States Application Serial No. 10/695,663

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date
60/422,245	October 29, 2002

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to

patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Lisa A. Amii (Reg No. 48,199)	Randolph Ted Apple (Reg No. 36,429)
Mehran Arjomand (Reg No. 48,231)	Laurie A. Axford (Reg No. 35,053)
Sanjay S. Bagade (Reg No. 42,280)	Erwin J. Basinski (Reg No. 34,773)
Shantanu Basu (Reg No. 43,318)	Richard R. Batt (Reg No. 43,485)
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A. Randall Camacho (Reg No. 46,595)	Mark R. Carter (Reg No. 39,131)
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Alex Chartove (Reg No. 31,942)	Thomas Chuang (Reg No. 44,616)
Thomas E. Ciotti (Reg No. 21,013)	Cara M. Coburn (Reg No. 46,631)
Matthew M. D'Amore (Reg No. 42,457)	Raj S. Davé (Reg No. 42,465)
Peter Davis (Reg No. 36,119)	Scott W. Doyle (Reg No. 36,915)
Karen B. Dow (Reg No. 29,684)	Stephen C. Durant (Reg No. 31,506)
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and:

Please direct all communications to:

Scott W. Doyle, Esquire
Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, Virginia 22102

Please direct all telephone calls to Scott W. Doyle (703) 760-7721.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date

Name: Michael G. CRISTOFALO
Residence: 407 Appian Way, Doylestown, Pennsylvania 18901
Citizenship: United States

Date

Name: Steven RIEDL
Residence: 1580 Masters Court, Superior, Colorado 80027
Citizenship: Canada



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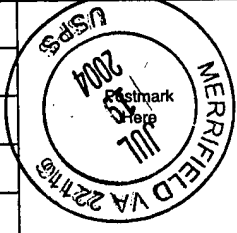
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ATTORNEYS AT LAW

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August 18, 2004

Writer's Direct Contact
703/760-7721
SDoyle@mofo.com

Via Registered Mail

Mr. Michael Cristofalo
407 Appian Way
Doylestown, Pennsylvania 18901-2046

Re: U.S. Serial No. 10/695,663
System and Method for Providing Triggered Event Commands Via Digital
Program Insertion Splicing
Our Reference: 55944-20040.00

Dear Mr. Cristofalo:

Further to our letters of July 19, 2004 and April 15, 2004, we are still awaiting an executed copy of the Declaration and Power of Attorney previously sent to you for the above-referenced application. Mike, you have previously executed the assignment. The signed document is due in the Patent and Trademark Office (USPTO) on August 24, 2004.

So that we may file the Declaration and Power of Attorney by the due date to avoid incurring further extension fees, kindly return the signed document to us in the UPS overnight envelope we sent with our last letter before August 22, 2004.

We look forward to receipt of the executed Declaration as soon as possible. In the meantime, if you have any comments or questions, please let us know.

Sincerely,


Scott W. Doyle

SWD/brm

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